

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWARD O'FINNEGAN,

Plaintiff,

v.

No. 10-CIV-965 WJ/LFG

CAPITOL ONE AUTO FINANCE, INC.

Defendant.

WITHDRAWAL OF NOTICE OF COMPLETION

Defendant, Capital One Auto Finance by its attorneys Modrall, Sperling, Roehl, Harris & Sisk, P.A. and Quarles & Brady LLP hereby withdraws its Notice of Completion of Briefing filed December 22, 2010 (Doc. 12). Upon electronic receipt of the Notice of Completion, Plaintiff contacted Defendant's counsel and represented that he had not received a copy of the Motion to Dismiss (Doc. 6) that is the subject of the Notice of Completion. Consequently, Defendant's counsel has agreed that the deadline to respond to the Motion to Dismiss is January 7, 2011.

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**ATTORNEYS FOR DEFENDANT CAPITAL
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I HEREBY CERTIFY that on the 21st day of December, 2010, I filed the foregoing electronically through the CM/ECF system.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participant via first-class mail, postage prepaid addressed as follows:

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By /s/ Stan N. Harris
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